

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:13-CR-212-BO-1

UNITED STATES OF AMERICA)	
)	
v.)	ORDER OF DETENTION PENDING
)	TRIAL
BRANDON PATRICK SESSOMS,)	
)	
Defendant.)	

This case came before the court today for hearing on the government's motion, pursuant to 18 U.S.C. § 3142(f), to detain defendant pending trial. The government presented the testimony of an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). Defendant presented the testimony of the proposed third-party custodian, his mother. The court also reviewed the pretrial services report. After careful consideration pursuant to 18 U.S.C. § 3142(g) of the credible information and argument submitted, and based on the findings and reasons stated below and in open court, the court finds by clear and convincing evidence that there is no condition or combination of conditions that will reasonably assure the safety of any other person and the community before trial if defendant is released. The government's motion is therefore GRANTED.

Background

Defendant was charged in a four-count indictment on 23 July 2013 with: conspiracy to commit theft of government property in violation of 18 U.S.C. § 641 (ct. 1); theft of government property, and aiding and abetting the same, in violation of 18 U.S.C. §§ 641 and 2 (ct. 2); possession of stolen explosives, and aiding and abetting the same, in violation of 18 U.S.C. §§ 842(h), 844(a), and 2 (ct. 3); and possession of stolen ammunition, and aiding and abetting the

same, in violation of 18 U.S.C. §§ 922(j), 924, and 2 (ct. 4). The alleged offense date in each count is 13 December 2012.

The evidence presented at the hearing showed that the charges arise from defendant's theft of substantial amounts of explosive, ammunition, and related items from an ATF explosives bunker and adjoining buildings in Fayetteville, North Carolina. Some explosives were detonated during the theft and part of a shed was burned down. Officers recovered the stolen property at the homes of defendant and his co-defendants. Defendant confessed to participating in the theft. The defendants' goal was to sell the explosives, ammunition, and other property stolen. The alleged offenses occurred less than three months after defendant's supervision pursuant to deferred prosecution for two misdemeanor offenses ended.

Discussion

The law requires that defendant be detained pending trial based on the following principal findings and reasons: evidence showing that the government has a strong case, including the evidence reviewed above; the nature of the offenses charged; the circumstances of the offenses charged, including the brazenness of the offenses and the extreme danger presented by the explosives and ammunitions and the prospect of their being sold, as defendant and his co-defendants intended; the danger of continued similar offense conduct by defendant if released; defendant's serious mental health and substance abuse history; the unsuitability of the proposed third-party custodial arrangement due to prior serious conflicts between defendant and the proposed custodian and defendant's father (with whom she resides), and the extent of the risk of danger presented by defendant; and the other findings and reasons stated in open court.

The court considered evidence offered as mitigating, such as defendant's lack of a significant criminal record. It finds, however, that the factors favoring detention strongly outweigh such evidence.

Conclusion

IT IS THEREFORE ORDERED that defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

This, the 14th day of August 2013.


James E. Gates
United States Magistrate Judge